

REMARKS

Claims 1-36, 38-60, and 62-81 are pending in the present application. Claims 1-81 were presented for examination. Claims 37 and 61 have been cancelled by amendment.

In the office action mailed April 19, 2005 (the "Office Action"), claims 1-10 and 21-57 were rejected under 35 U.S.C. 101. Claims 11 and 58 were also rejected in the Office Action under 35 U.S.C. 112, second paragraph. Claims 1-5, 8-15, 18-23, 26, 27, 29, 32-50, 53-74, and 77-81 were rejected under 35 U.S.C. 102(b) as being anticipated by MDSI Mobile Data Solutions (www.mdsi-advantex.com) (the "MDSI Advantex Description"). Claims 6, 16, 24, 25, 28, 30, 31, 51, 52, 75, and 76 were rejected under 35 U.S.C. 103(a) as being unpatentable over the MDSI Advantex Description in view of U.S. Patent No. 6,578,005 to Lesaint *et al.* (the "Lesaint patent"), and claims 7 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over the MDSI Advantex Description in view of U.S. Patent No. 5,913,201 to Kocur (the "Kocur patent").

Applicants would like to bring the Examiner's attention to an Amendment, Petition and Fee to Correct Inventorship and Add Original Erroneously Not-Named Inventors in Non-Provisional Application Declaration under 37 C.F.R. § 1.48(a) ("Petition"), which was filed with the Patent Office on July 2, 2001. A decision on the Petition has not yet been received. Applicants request the Examiner to consider the Petition and respond accordingly.

With respect to the rejection of claims 1-10 and 21-57 under 35 U.S.C. 101, claims 1, 21, and 34, have been amended to overcome the rejection. Claims 1, 21, and 34 have been amended to expressly recite that the methods for scheduling are "computer implemented," and that the steps are performed by a computer, thus, placing the claims within the technological arts. The rejection of claims 1-10 and 21-57 should now be withdrawn.

With respect to the rejection of claims 11 and 58 under 35 U.S.C. 112, second paragraph, claims 11 and 58 have been amended to overcome the rejection. Amended claims 11 and 58 specifically recite that the computer-executable instructions stored on the computer readable medium cause a computer to perform the steps recited in the body of the claims. As amended, the claim clarifies that the computer performs the method for scheduling by performing the recited steps, not that the "steps are the result of the instructions," as interpreted

by the Examiner in the Office Action. *See* the Office Action at page 3. The rejection of claims 11 and 58 under 35 U.S.C. 112, second paragraph, should now be withdrawn.

As previously mentioned, claims 1-5, 8-15, 18-23, 26, 27, 29, 32-50, 53-74, and 77-81 have been rejected under 35 U.S.C. 102(b) as being anticipated by the MDSI Advantex Description.

As amended, claims 1, 11, 21, 34, and 58 are patentably distinct from the MDSI Advantex Description because the MDSI Advantex Description fails to recite the combination of limitations recited by the respective claims. Claims 1, 11, 34, and 58 have been amended to specifically recite “adding a reservation, wherein adding a reservation includes identifying a duration, a priority, a location, an appointment window, a mobile service representative, a bumping indicator, and an aggregation indicator.” Claim 21 has been amended to recite that the order is defined by a data structure that includes “at least one of an appointment window, a duration, a priority, a location, and a set of skills required to carry out the order, and further includes at least one of a bumping indicator and an aggregation indicator, the data structure residing on a computer media.” The limitations added to claims 1, 11, 34, and 58, and to claim 21, are similar to the limitations of claims 37 and 61, which have now been cancelled.

Claims 37 and 61 were rejected by the Examiner based on the MDSI Advantex Description, citing page 3; page 4, sections 2-3; and page 5, sections 2-3. *See* the Office Action, page 8, paragraph 24 and page 10, paragraph 40. The material cited by the Examiner in rejecting claims 37 and 61, however, fails to disclose the limitations recited by claims 37 and 61, which are now included in independent claims 1, 11, 21, 34, and 58. The cited material generally describes MDSI’s Advantex-Field Service (page 3), followed by summaries of various Advantex-Field Service Features and Modules (pages 4 and 5). The description at these pages does not address or discuss adding reservations as recited in claims 1, 11, 34, and 58, or describe the data structure defining an order as recited in claim 21. As stated at MPEP section 2131, “to anticipate a claim, the reference must teach every element of the claim.” The MDSI Advantex Description fails to meet this standard. As a result, claims 1, 11, 21, 34, and 58 are patentably distinct from the MDSI Advantex Description, and the rejection of claims 1, 11, 21, 34, and 58 under 35 U.S.C. 102(b) must be withdrawn.

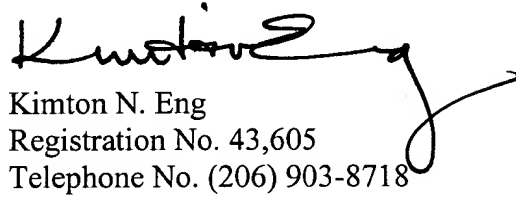
Claims 2-5 and 8-10, which depend from claim 1, claims 12-15 and 18-20, which depend from claim 11, claims 22, 23, 26, 27, 29, 32, and 33, which depend from claim 21, claims 35-50 and 53-57, which depend from claim 34, and claims 59-74 and 77-81, which depend from claim 58, are similarly patentably distinct from the MDSI Advantex Description because of their dependency from a respective allowable base claim. That is, each of the dependent claims further narrows the scope of the claim from which it depends, and consequently, if a claim is dependent from an allowable base claim, the dependent claim is also allowable. Therefore, the rejection of claims 2-5, 8-10, 12-15, 18-20, 22, 23, 26, 27, 29, 32, 33, 35-50, 53-57, 59-74, and 77-81 under 35 U.S.C. 103(a) should also be withdrawn.

As previously mentioned, claims 6, 16, 24, 25, 28, 30, 31, 51, 52, 75, and 76 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the MDSI Advantex Description in view of the Lesaint patent, and claims 7 and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the MDSI Advantex Description in view of the Kocur patent. The Lesaint patent has been cited by the Examiner as teaching “escalating the priority of an order over time when the order has not been performed by the mobile service representative.” *See* the Office Action at page 11, paragraph 42. The Kocur patent has been cited by the Examiner as teaching “splitting an order to a set of orders when the performance of the order requires a number of days to perform the order.” *See* the Office Action at page 16, paragraph 52. Even if the Examiner’s characterization of the Lesaint and Kocur patents are assumed to be accurate, the teachings do not make up for the deficiencies of the MDSI Advantex Description, previously discussed with respect to claims 1, 11, 21, 34, and 58. Consequently, the combined teachings of the MDSI Advantex Description and the Lesaint patent and the combined teachings of the MDSI Advantex Description and the Kocur patent fail to teach or suggest the combination of limitations recited by claims 6, 7, 16, 17, 24, 25, 28, 30, 31, 51, 52, 75, and 76. Additionally, claims 6 and 7, which depend from claim 1, claims 16 and 17, which depend from claim 11, claims 24, 25, 28, 30, and 31, which depend from claim 21, claims 51 and 52, which depend from claim 34, and claims 75 and 76, which depend from claim 58 are patentable based on their dependency from a respective allowable base claim. For the foregoing reasons, the rejection of claims 6, 7, 16, 17, 24, 25, 28, 30, 31, 51, 52, 75, and 76 under 35 U.S.C. 103(a) should be withdrawn.

All of the claims pending in the present application are in condition for allowance.
Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

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Fee Transmittal Sheet (+ copy)

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	STREET NAME	STREET NUMBER
RESERVATION1	STREET1	123
RESERVATION2	STREET1	321
RESERVATION3	STREET2	123
RESERVATION4	STREET1	321
RESERVATION5	STREET2	321

Fig. 7

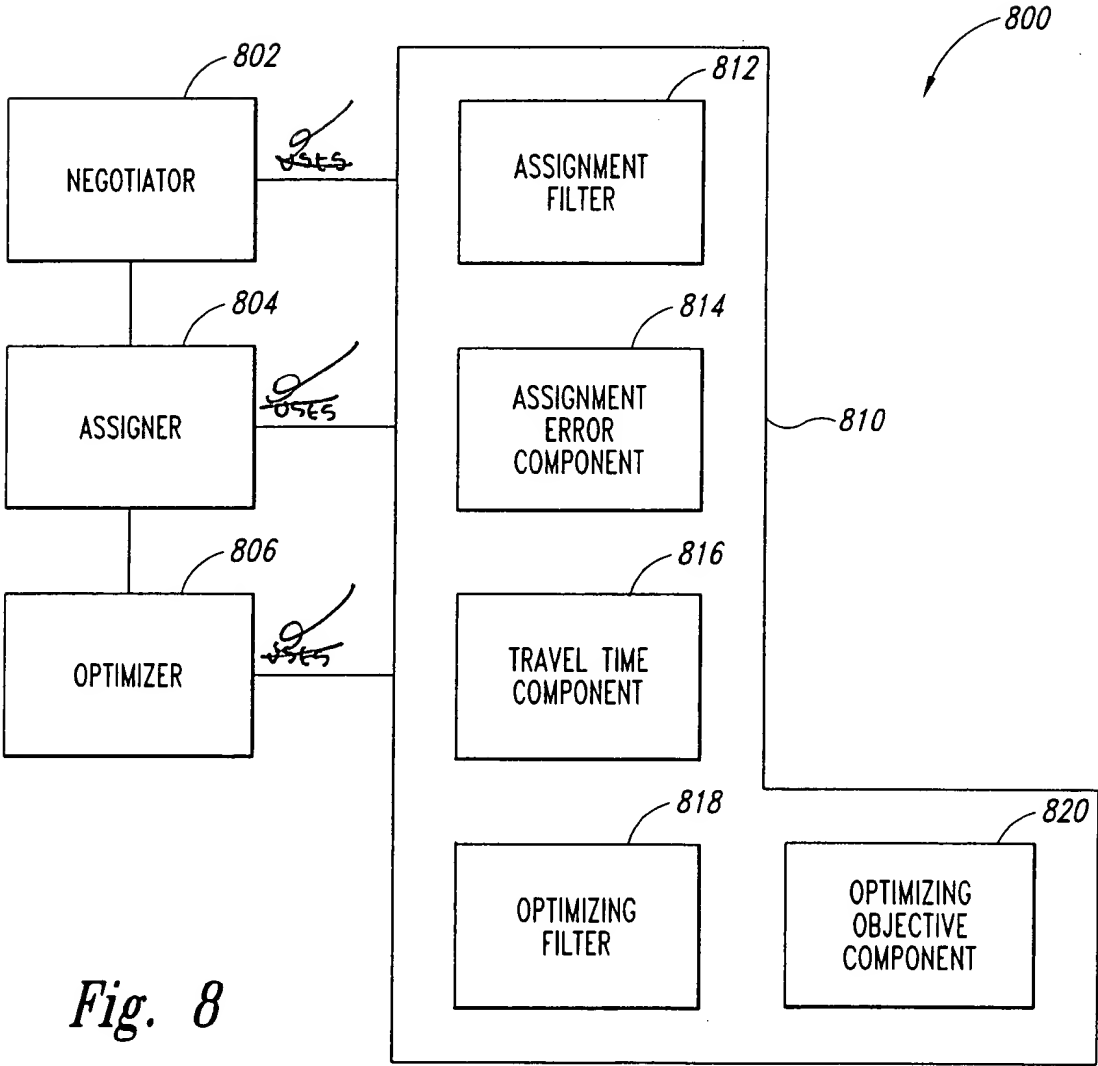


Fig. 8

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 8. Figure 8 has been amended as shown in red to omit extraneous markings in the drawing.

Enclosed are 11 sheets of replacement formal drawings, Figures 1-9, for filing in the above-identified application.

Attachments: Annotated Sheet Showing Changes
Replacement Sheets